

MRS. BYWATERS WILL TESTIFY

Counsel for Her Brothers
Certify She Will Be
on Hand.

UNWRITTEN LAW THEIR DEFENSE

Lawyers for Strothers Brothers
May Rely on Commonwealth's
Witnesses to Save Their
Clients From Prison
or the Gal-
lows.

[Special to The Times-Dispatch.]
CULPEPER, VA., February 21.—
All roads in this and from other sur-
rounding counties seem to lead to this
city to-day, for there was a great out-
pouring of people brought hither be-
cause of both interest and curiosity in
the famous murder trial of James T.
and Philip J. Strother, for the murder
of William F. Bywaters, the noted
horseman and rider to hounds, on
horseback, on foot, and in vehicles,
the swarms of excited humanity
poured in, and would, as soon as they
aligned, divide off into various groups,
all discussing the merits of the great
tragedy and just as if it had taken
place yesterday.

At the ringing of the court bell the
doors of the spacious courthouse were
thrown open, and the crowd surged
in forthwith filling every nook and
corner of the large courtroom. The
case was called amid the suppressed ex-
citement of the partisans of both sides,
and after a great deal of sparring be-
tween counsel, it was finally agreed
that the clerk should read the indict-
ment in the arrangement of the pris-
oners. Then both sides agreed to con-
tinue the case until next Monday, the
25th instant, when a venire of fifty
citizens from the county of Shenandoah
will be on hand, from which panel a
jury will be selected.

The county sheriff left to-day for
Shenandoah county, and he will, with
the aid of the sheriff of that county,
summon the venire.

Mrs. Bywaters to Attend.

Counsel for the defense stated in open
court this morning, in reply to a ques-
tion from the prosecution as to the pos-
sibility of the slain man's widow, Mrs.
Viola Strother Bywaters, not being pre-
sent, that "they would certify that she
would be in attendance at the time on
the trial. Both prosecution and defense
expressed themselves as being willing
and ready to proceed with the trial on
Monday. Everything was quiet and or-
derly to-day.

Judge Thomas W. Harrison, presided
to-day, and has been designated by the
Governor to conduct the trial.

The "Unwritten Law"

The "unwritten" law will be the de-
fense, and the trial promises to be
the most sensational in Virginia since
the trial and conviction of former Mayor
McCurdy, of Charlottesville, for the murder
of his wife.

William Bywaters, the victim, was a
clubman, horseman, politician and general
"good fellow" about town. One of the
defendants, James Strother, is a lawyer
of Welch, W. Va., and a member of
the West Virginia Legislature. He was
at home on a visit at the time of the
tragedy.

McClain Woods, of Charlottesville, who
prosecuted the McCurdy case, has been re-
tained by the Bywaters for the prosecution,
and is assisted by M. and John
Keith, of Warrenton.

John Jeffries, of Norfolk, as leading
counsel for the defense is assisted by
John L. Lee, of Lynchburg, and R. Wal-
ter Moore, of Fairfax.

The session of the Circuit Court was
convened shortly after the arrival of
Judge Harrison, and the case was for-
mally taken up. James and Philip Stroth-
ers, many relatives were on hand
with their attorneys. Commonwealth
Attorney Keith thought it would be in-
expedient to secure a jury from Culpeper,
and the court decided to have the jurors
from Shenandoah county, fifty talemans
being summoned.

It is probable that the defendants will
be tried jointly, they having expressed
such a wish.

Defense Summoned No Witnesses

The defense as yet has summoned no
witnesses. It is believed that they
will summon none, and will make out
their case from the testimony of the
Commonwealth's witnesses, as the
Commonwealth has summoned all eye-
witnesses to the tragedy.

It is by these same eyewitnesses
that James and Philip Strother expect
to prove that William Bywaters, whom
they had just forced to marry, was their
sister on account of wrongs done her
was attempting to desert her within
an hour; that while she lay upon a bed
of suffering, induced by a criminal op-
eration performed at Bywaters' in-
stance in Washington, he jerked away
from the arms of his wife, encircling
his neck, made for an open window,
and as he jumped upon a roof, was
filled with bullets by James and Philip
Strother, the wife's brothers.

Would Not Live With Her.

It will be shown here that Bywaters
knew after marriage he would not live
with Viola Strothers Bywaters as man
and wife, and that he intended he
must so live or take the consequences.
This is the issue before the jury next
Monday, when one of the most sensa-
tional and hard-fought trials in the
history of Virginia will begin. Indica-
tive of the interest in the case, crowds
have thronged the streets all day. It
is apparent that the courtroom, which
is small and somewhat old-fashioned,
will not be adequate for the crowds.
The witnesses themselves, over thirty
in number, are sufficient to fill the
hall.

The following witnesses were sum-
moned by the Commonwealth to-day:
Dr. E. H. Lewis, the Rev. Josiah Ware,
John S. Lennan, J. H. Crump, D. A.
Crimesley, J. A. Bowersett, Millie Gibbs,
alias "Mollie Coleman," Mrs. Margaret
Wise, R. P. Bywaters, R. L. Johnson,
E. J. Eggehorn, A. W. Pulliam, Mrs.
Viola Bywaters, R. M. Thompson, R.
L. Vignam, Mrs. Bessie Thipplatt,
John Wood Taylor, J. H. Crump, R.
Lowell, George Marshall, William
Robertson, J. Claude Royston, P.
Thomas, Miss Bettie Sisson, Miss Em-
ma.

(Continued on Second Page.)

AGED CATHOLIC PRELATE DIED AT INFIRMARY



BISHOP EDWARD FITZGERALD.

BIOT SPRINGS, ARK., February 21.—
Bishop Edward Fitzgerald, Catholic bishop
of the Little Rock diocese, died at St.
Joseph's infirmary here to-night.

Bishop Fitzgerald was born in Lime-
rick, Ireland, in 1833, and was, there-
fore, seventy-four years of age when he died.
He came to America in 1849, and was
educated at the College of the Barrens,
Missouri, and at Mount St. Mary's Col-
lege, Maryland. In 1859 he was or-
dained priest, and for ten years was
pastor at Columbus, Ohio, after which
he was elevated to the episcopacy in
1867. He was a year older than Cardinal
Gibbons, and was made bishop a year
earlier than Cardinal Gibbons. Bishop
Fitzgerald was perhaps the oldest bishop in
America.

SLAVIC SOCIETY HONOR PRESIDENT

Present Him With Handsome
Gold Cup on Account of His
Labor for Peace.

WASHINGTON, February 21.—President
Roosevelt to-day was presented with a
splendid cup of honor two feet high, a
symbol of Slavonic art. The cup was
given by General Count Arthur de Tchep-
er-Spidroff, the president of the
Slavonic Society of Moscow.

The cup is of gold and silver, with an
incrustation of enameled handwork. It
is of old Slavonic style, standing on three
legs, and is capped with a helmet.
In handing President Roosevelt the cup
the general expressed his great honor
and pleasure in presenting a modest evi-
dence of esteem, love and admiration of
all the Slavonic people for his noble
work in bringing about peace between
Russia and Japan.

President Roosevelt, with warm expres-
sions of gratitude, asked General Spirid-
off to cordially thank the society for
the gift. The President presented his
visitor with two of his favorite photo-
graphs with his autograph, one for the
Slavonic society and one for the general's
own use.

Following the presentation, a beauti-
ful wreath was deposited on behalf of
the general on the tomb of Washington
at Mount Vernon, on which rested the
following inscription:

"Slavonic Society, Moscow, to George
Washington, Slave, wait impatiently their
Washington Liberator."

BLOWS HEAD OFF WITH SHOTGUN

John Darwell Shot Down While
Trying to Protect Em-
ployer's Interests.

[Special to The Times-Dispatch.]
HOT SPRINGS, VA., February 21.—
Apparently a cold-blooded murder oc-
curred on Back Creek, near Mountain
Grove, this county, this morning at
10 o'clock.

A dispute occurred between John
Darwell, who was working for the
Tate Sterritt on the land of the latter,
and some men who were working for
the Hot Springs Lumber and Manu-
facturing Company.

It seems that the Hot Springs Lum-
ber and Manufacturing Company have
been trying to get the timber from
the land of Tate Sterritt, and Mr.
Sterritt sent John Darwell there to
protect his interest. While Darwell
was there, two other men were removing
some logs from the land, they were
ordered off the land by men with shot-
guns, representing the Hot Springs
Lumber Company. Darwell refused to
go, and one of the men named Nutty
took his gun from his shoulder and
blew Darwell's head off. Standing
over the dead body he ordered the
other men to leave. Sheriff Gum and
his deputies have gone to the scene
of trouble, and reports late this even-
ing that six of the men are captured.
The Hot Springs Lumber and Manu-
facturing Company are Pennsylvania
men and their mill is at Kincaid, this
county.

ALCOHOL EXPLODES; LADY WILL DIE

Mrs. John D. Lawrence Horribly
and Probably Fatally Burned
Cooking.

[Special to The Times-Dispatch.]
NORFOLK, VA., February 21.—As the
result of the explosion of the alcohol
lamp, Mrs. John D. Lawrence, whose
home is in the Waverly apartment house,
Portsmouth, was probably fatally burned.
The body was badly charred. She was
preparing food in the dining-room when
the explosion occurred. The janitor of
the Waverly, hearing her screams, rushed
to her assistance, but almost all of
the clothing had burned from her body
before he threw water on the flames.
The body was too badly burned to per-
mit of its removal to a hospital, and the
physicians express no hope for her re-
covery.

RICH WOMAN KILLS A BLACKMAILER

Wife of Political Boss of
Chicago Shoots An
Art Dealer.

EXTORTED MONEY BY THREATENING

Police on Way to Arrest Man for
Extortion Took Charge of
Woman—Husband Says
He Does Not Know
Why Deed Was
Committed.

CHICAGO, February 21.—Webster H.
Guerin, alias Louis Fisher, proprietor
of the Harrison Art Company, was to-
day shot and killed in his office, at
La Salle and Van Buren Streets, by
Mrs. Flora McDonald, wife of Michael
C. McDonald, a millionaire, who was
for many years the Democratic politi-
cal boss of Chicago.

The motive of the killing is not ex-
actly known. Mrs. McDonald became
hysterical, and was unable to make a
connected statement. From what she
said, however, it is believed that for
some time Guerin had obtained
money from her by the threat of mak-
ing certain disclosures to her husband.
Shortly before noon Mrs. McDonald
entered Guerin's office. The latter, as
soon as she was alone, directed his
office boy to leave. A quarrel be-
tween Mrs. McDonald and Guerin had
already begun when the boy left.
Within fifteen minutes the report of a
revolver was heard, and when other
occupants of the building rushed to
Guerin's office they found it locked,
with Mrs. McDonald endeavoring to es-
cape through a hole she had made with
the butt of her revolver in the glass
door.

Armando Biasi, who occupied an ad-
joining office of Guerin's, was the first
to reach the door, and with the help
of Jacob O'Neil and Charles Williams,
who arrived an instant later, he pulled
Mrs. McDonald through the door and
took the revolver from her.

Was a Blackmailer.

In the lower part of the building,
when the shooting occurred, were two
police officers on their way to Guerin's
office, at the direction of Chief of Police
Collins, to investigate Guerin's
business, concerning which complaints
had been made to the police. It had
been alleged by several persons that
Guerin had been demanding exorbitant
sums for enlargements of photographs,
and threatening legal proceedings if
the amounts were not immediately
paid. These officers arrested
Mrs. McDonald.

Mrs. McDonald was taken to the
Harrison Street Police Station, and
when her identity was made known
her husband was called. He declared
he knew of no reason why she should
have been made to the police. It had
been alleged by several persons that
Guerin had been demanding exorbitant
sums for enlargements of photographs,
and threatening legal proceedings if
the amounts were not immediately
paid. These officers arrested
Mrs. McDonald.

YACHT BURNED FROM GASOLINE EXPLOSION

KEY WEST, ALA., February 21.—The
auxiliary yacht Adeline, Captain Layton,
of New York, caught fire in Hak's Chan-
nel, several miles from Key West, to-day,
and was burned to the water's edge. A
barge, carrying one hundred tons of
gasoline, was on fire on the barge, and
was ignited by fire from the yacht. An
explosion followed. The party on board,
consisting of C. W. Burr, Dr. J. Wil-
liams, Mrs. Layton, the engineer and
pilot, took to small boats and landed on
South Beach. Mrs. Layton was slightly
burned. The yacht is a total loss.

ENTERS A DECREE ANNULING MARRIAGE

[Special to The Times-Dispatch.]
BOYDTON, VA., February 21.—The
petition of Richard Elam to the court
for an annulment of the marriage be-
tween himself and Miss Bessie Chan-
dler, which ceremony it will be remem-
bered, was performed, so tragically
last, at the home of Miss Chandler, was
heard at this term of the court. The
decalogue, former Mayor C. H. Elam, an-
nulling the said marriage. The parties
have never lived a day together.
There was no bill filed in court against
the petition by the defendant.

WELL-KNOWN ACTOR DEAD ON STEPS

NEW YORK, February 21.—Frank
McLaglen, who has been playing the
"Man of the Hour" at the Savoy Theatre,
was found dead to-day at the foot of a
short flight of steps leading from the
sidewalk to an arway of the Hotel
Rivoli, in West Thirty-eighth Street,
where he lived. His skull was fractured.
It is believed that his death was ac-
cidental.

BOY DROPPED DEAD WHEN TEACHER WHIPPED HIM

WYANNA, OHIO, February 21.—Hob-
art C. Webb, a boy twelve years of age,
died to-day at a district school near
here while being punished by Miss Nora
D. Mann, his teacher. The boy was
subject to heart trouble, but this was
unknown to the teacher.

QUINTETTE OF BABIES.

Woman Gives Birth to Five and
All Are Living.

MIDDLESBORO, KY., February 21.—
Mrs. Seabrook, wife of Peter Sea-
brook, a Polish miner, at Port Ridge,
to-day gave birth to five children, three
girls and two boys. All are living.

Mayor Dunne Wins.

NEED FOR CENTRAL BOARD OF CONTROL

Friction Among Depart-
ments Causes Demand
for Needed Reform.

MAYOR SUGGESTS CERTAIN CHANGES

Important Action Taken Last
Night by Committee on Ordi-
nances May Have De-
sired Result—Will
Make Investi-
gation.

"Co-operation is certainly de-
sirable among the various depart-
ments of the city government. But
there must be the spirit of co-
operation. It has been a long time
called attention to the necessity
for it in the past. You may get a
form of co-operation by ordinances
on the subject, but the only effective
way, it seems to me, is to place
all kindred departments under one
governing body. Take a commis-
sion for instance, such as Norfolk
has. Nashville and Galveston also
have a similar plan. A body, say
of three or five men, should be
given charge of the street, light
and water departments, instead of
leaving them to separate commis-
sions."

Thus in substance Mayor Carlton
McCarthy yesterday admitted the need
of co-operation and the removal of
friction among the several departments
of the city government, and incident-
ally gave public utterance to a propo-
sition which has been several times
quietly made by various persons, coun-
cilmembers, police commissioners and
others. The demand for a board of
control or municipal commission, to
have charge of all cognate or co-re-
lated departments of the government,
has been growing steadily, and the
friction among departments from time
to time has been the subject of news-
paper comment, and occasionally no
little feeling has been aroused.

Action of Committee.

Immediately in this connection the Com-
mittee on Ordinances, Charter and Re-
form last night took one of the most
important steps in the history of the city
government when it initiated a move-
ment to secure the creation of an ad-
visory and consulting board for mu-
nicipal management. This was done in
the adoption of a resolution providing
for a committee to consist of the Mayor,
one Alderman and two members of the
Common Council, to inquire into the de-
sirability of amending the charter of
the city as to permit the creation of
such a board, and the members of the
proposed joint committee are to be named
by the presidents of the two branches
of the Council. The resolution carries an
appropriation of \$500 to meet the ex-
penses of the committee in traveling
and inquiring into the operation of such
municipal boards of control or advisory
boards in other cities, where the experi-
ment has been made.

The recommendation of this resolution
of the Council, the board would be a
strong endorsement of the proposition,
and in the judgment of many means
the adoption of the advisory board ultimately.
It cannot be accomplished for a year
hence, since legislative action will be
necessary to secure the required charter
or the temporary use of committee
travels instead of dividing responsibility
among the heads of the several executive
bodies of the city government. The de-
tails of the plan have not been worked
out yet, the resolution being merely a
preliminary step toward the end sought
to be accomplished.

Some Instances.

Recent instances of friction or lack of co-
operation among departments may be
mentioned in the matter of the efforts
of the Street Cleaning Department to secure
water with which to flush streets; of
the same department to secure sand
for the temporary use of carts and
travels instead of dividing responsibility
among the heads of the several executive
bodies of the city government. The de-
tails of the plan have not been worked
out yet, the resolution being merely a
preliminary step toward the end sought
to be accomplished.

Ship Unmanageable.

The Berlin left Harwich at 10 o'clock
last night, upon the arrival there of
the London train, with the greater
number of the passengers who subse-
quently lost their lives. The steamer
should have reached the Hook of Hol-
land at 6 o'clock this morning, and
would have then proceeded to Rotter-
dam.

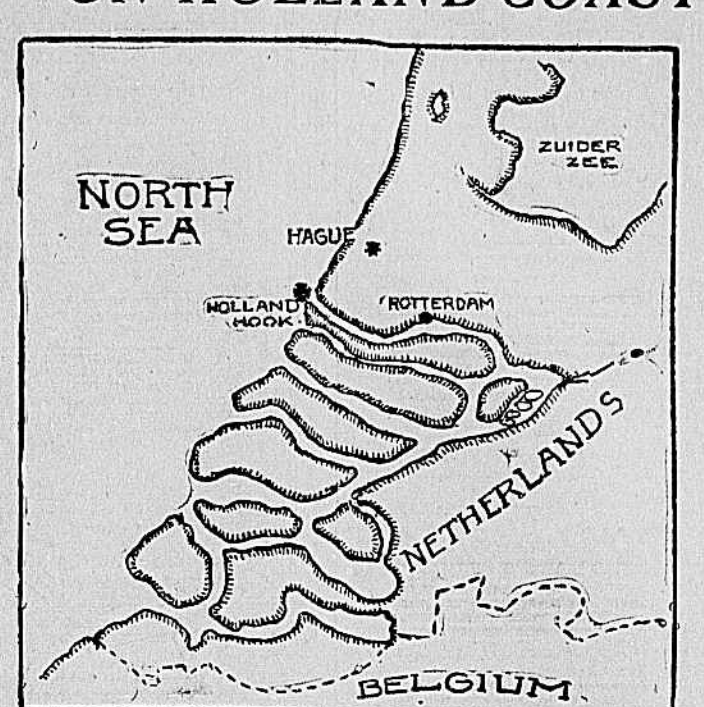
Land Few Yards Away.

The waterway in which the disaster
occurred was a new one on the north
side of the pier and railroad station.
The steamer must have been within a
few minutes of tying up after her rough
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BUT ONE MAN SAVED IN FEARFUL WRECK ON HOLLAND COAST



MAP OF THE NETHERLANDS, SHOWING HOLLAND HOOK, WHERE THE
BERLIN WENT ASHORE.

Steamer Berlin Strikes on "Hook of Holland" and Goes Down.

140 PERSONS
ARE DROWNED

Mad Sea Holds at Bay Life-
Savers, Who, Powerless to
Aid, See Men and Women
Perish in Waves.
Ship Unman-
ageable.

STORY OF LIFE-SAVER.

"We could see a rush was made for
the boats and lifeboats, and the first
boat to strike the water was immedi-
ately capsized.

"The crew was working hard at the
davits in an attempt to get the other
boats clear of their fastenings when
the Berlin slid off into deep water,
and, with her bow high in the air,
gave one mighty plunge and disap-
peared, leaving her passengers and
crew struggling in the North Sea.

"The greater part of these were
drawn downward by the suction
caused by the Berlin's last plunge,
and the few who had managed to reach
bits of wreckage and overturned boats
were so thoroughly chilled in a few
moments that they were compelled to
loosen their hold."

LONDON, February 21.—The Rotter-
dam mail steamer Berlin, from Eng-
land, with 141 passengers and crew,
was wrecked off the Hook of Holland,
at the entrance of the River Maas,
leading to Rotterdam, shortly before
6 o'clock this morning, and with one
exception all on board perished.

A terrific southwesterly gale was
blowing right inshore, and drove the
Berlin on a sand bank close to the
northern jetty, as she was trying to
enter the new waterway. Heavy seas
quickly pounded the vessel to pieces.
She broke in two, her forepart sink-
ing immediately, while the doomed
passengers and the crew could be seen
for a brief space of time clustered on
the after part. Then the after part
slipped off the ledge and disappeared
in the mountainous waves. Tugs and
lifeboats, promptly put out to the as-
sistance of the Berlin, but the violence
of the gale and the heavy seas
made it impossible to approach the
wreck, and the helpless would-be life-
savers saw the steamer break up and
the crew and passengers washed away
without being able to render the
slightest assistance.

Ship Unmanageable.

The Berlin left Harwich at 10 o'clock
last night, upon the arrival there of
the London train, with the greater
number of the passengers who subse-
quently lost their lives. The steamer
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JUDGE WITT TO MAKE INQUIRY

Sensational Escape of James
Weathers to Be Investigated
by Court.

'SQUIRE LYLE'S STATEMENT

Claimed That He Intended to
Recognize James Jones, Charged
With Drunkenness.

How It Happened.

A negro charged with housebreaking
and liable to a long term in the peni-
tentiary released on leg-bail; a magis-
trate charged with releasing the desper-
ate criminal on his own recognizance,
and an inquiry into the remarkable
escape of a sensational story which developed
yesterday.

The negro, who, it is assumed, imper-
sonated another charged with drunken-
ness and thus escaped, was James
Weathers, alias Charles Johnson. The
magistrate who released the desperado
on his own recognizance in the sum of
\$500 is Justice James D. Lyle. The jus-
tice is claimed, intended to recog-
nize James Jones, a negro, charged
with drunkenness and confined in the
same jail with Weathers at the First
Police Station. The justice occurred at
2 A. M. yesterday. The justice occurred
bailing free and the criminal secured
freedom, and is yet at large.

Jerome Is Relentless.

After bringing out that her relations
with White continued for some time
Mr. Jerome went deeper. Mrs. Thaw
admitted that in 1903, after the return
from Europe, she spent the night at
Thaw's apartment in New York, and
that for three weeks he and she occu-
pied connecting apartments at the
Grand Hotel in this city. Mrs. Thaw
admitted freely and with frankness
every detail of the big portals. At last
the prosecutor himself selected some-
what and suggested that she should
suspend. Mr. Delmas thought he
detected an unfavorable slant to this,
and protested that the witness would
be able to proceed. Mrs. Thaw wiped
her eyes, stiffened up a bit, and nodded
to Mr. Jerome to proceed.

Lived on White's Bounty.

Mrs. Thaw also was forced to admit
that when she and her mother went about
with Thaw in 1903, they were still draw-
ing upon the bounty of Stanford White.
Evelyn declared that she had a letter
of credit for \$800 on \$500, which was
given to her by White, and which she
later turned over to Thaw. There was
still a balance in the Mercantile Trust
Company to her order.

Children Slaves IN MASSACHUSETTS

Discovery of a Boy Ten Years
Old Working Under an
Assumed Name.

LOWELL, MASS., February 21.—The
discovery of a boy ten years old at work
in a mill here under the name of another
boy, who was killed in the Dover Mills
fire recently, and for whom the school
certificate had originally been issued, has
led to investigation by the State police,
why he undertook to release either negro
upon his own recognizance, unless for
the fee that was in it.

(Continued on Second Page.)

MERCILESS CROSS- FIRE OF JEROME

Discloses Every Secret
of Evelyn Nesbit's
Past Life.

HARTRIDGE WONT GIVE UP LETTERS

Delmas Springs Sensation by
Announcing That District At-
torney Means to Arrest
the Prisoner's Wife.
Adjourns Until
Monday.

NEW YORK, February 21.—Under the
stress of a cross-examination, in which
District Attorney Jerome gave no quar-
ter, Mrs. Evelyn Nesbit Thaw broke
down to-day upon the witness stand.
With blinding tears burning their way
down cheeks which from ashen
white, had flushed to crimson, she ad-
mitted that after her first experience with
Stanford White her relations with the
architect continued for several months.
But this was not all. There were other
confessions, which, while damaging to
her own character, accumulated all the
more the terrible personal sacrifice she
is making in the effort to save her hus-
band from death in the electric chair.
The case has progressed to the point
where the defendant has been all but
lost sight of. His girl-like wife is the
figure about whom the storm lashes its
fury. She it is whose life is being
searched out, and who is being held up
to scorn by the prosecuting officer.

Two Days More of Agony.

During the morning and at all times
heretofore, Mrs. Thaw has had to sit on
the edge of the chair in order that her
more comfortable for the long ordeal still
ahead of her, a foot stool and two
cushions were provided during the after-
noon. At the close of the most eventful
day of the trial Mr. Jerome announced
that he would probably keep Mrs. Thaw
under fire for two more days. Adjourn-
ment was taken until Monday morning,
although at one time yesterday morning
said that to accommodate out-of-town
witnesses he would hold court both to-
morrow, a holiday, and Saturday.

There was no subject affecting the
witness of the day, and it was a nature that
the district attorney hesitated to call
it from its hiding-place and hold it
before the gaze of the world, all the
while requiring that she should recog-
nize and own the fault in her own
words.

When Mr. Jerome was plying the
witness with questions as to her rela-
tions with White, carrying her from
place to place and demanding to know
every detail, and while bitter tears
were welling to her eyes, two news-
paper women, accustomed to the harsh-
er scenes of life, left their places in
the courtroom and made a hasty re-
turn to the big portals. At last
the prosecutor himself selected some-
what and suggested that she should
suspend. Mr. Delmas thought he
detected an unfavorable slant to this,
and protested that the witness would
be able to proceed. Mrs. Thaw wiped
her eyes, stiffened up a bit, and nodded
to Mr. Jerome to proceed.

Jerome Is Relentless